

Shandor S. Badaruddin
MORIARITY & BADARUDDIN, PLLC
736 South Third Street West
Missoula, Montana 59801
Telephone: 406-728-6868
Facsimile: 406-728-7722
Email: shandor@emsblaw.com

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA, Plaintiff, v. BRUCE BOONE WANN, Defendant.	CASE NO: CR 18-54-M-DLC BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR LEAVE TO FILE MORE THAN TEN (10) LETTERS OF SUPPORT
--	--

Comes now, the Defendant, by and through counsel, as required by L.R.CR 47.2(a) and Fed.R.Crim.P. 47(a) and files his Brief in Support of Unopposed Motion for Leave to File More Than Ten (10) Support Letters. This Brief accompanies and is filed separately and at the same time as the Motion.

I. Introduction

The Government does not oppose the relief requested in this Motion.

This Court customarily permits a criminal defendant, and has permitted the Defendant in this case, to submit letters in support of sentencing, but limits the

number of letters to no more than ten (10). See Order, Doc. 36 at 3, ¶10. Defendant seeks leave of court to submit no more than fifteen (15) letters of support for the Court's consideration.

The Court, like many United States District Courts, limits live witness testimony to those matters authorized by Fed.R.Crim.P. 32(i), or any other matter for which good cause has been demonstrated. See Doc. 36 at 3, ¶9. Defendant does not seek to present live testimony but seeks to present additional letters in support of sentencing. One of the factors relevant for the Court's consideration in sentencing are the history and characteristics of the defendant. See 18 U.S.C. § 3553(a)(1). Additional letters are necessary because Defendant is 62 years old with extensive involvement in different aspects of his community. Defendant seeks to submit letters on his behalf from family, friends, business associates, church members and leaders, and others with familiarity with different aspects of his life and from different periods in the past 62 years. There are many more than fifteen (15) persons who are willing to submit letters on his behalf, but Defendant submits that fifteen letters are adequate.

Defendant also intends to summarize the contents of the letters in a sentencing memorandum in order to facilitate review and consideration, but cannot make assertions without foundation. Defendant may also seek to allocute at his sentencing hearing, and if he does so, additional letters will allow him to focus his statement on only those matters which are best addressed to the Court by the Defendant himself.

These letters are reasonable and necessary to show the Court Defendant's potential, lack of criminal nature, and prior good acts, which would otherwise need to be done via witness testimony or through the Defendant himself.

II. Argument and Citation to Authority

A district court has substantial inherent authority to control and manage its docket. *Ready Transp. Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). Included in this authority is the power to allow a set number of witnesses to testify at sentencing and/or letters of support to be filed for the Court's consideration. Without limitations the Court would be inundated with both and sentencing in any case would take far longer and be a burden on the Court's precious time.

Defendant also submits that the ends of justice, as well as judicial economy will best be served by allowing more than ten (10), but no more than fifteen (15) letters of support to be submitted. These letters will serve to voice the thoughts and feelings of Defendant's supporters, without multiple lengthy testimonies.

III. Conclusion

For the reasons set forth above, the Defendant requests he be allowed to file no more than fifteen (15) support letters for the Court's consideration at sentencing.

Dated this 20th day of February, 2019.

/s/ Shandor S. Badaruddin

Shandor S. Badaruddin

Shandor S. Badaruddin
MORIARITY & BADARUDDIN, PLLC
736 South Third Street West
Missoula, Montana 59801
Telephone: 406-728-6868
Facsimile: 406-728-7722
Email: shandor@emsblaw.com

Attorneys for Defendant Wann

CERTIFICATE OF COMPLIANCE

I certify that pursuant to L.R. CR. 47.2(C) that the foregoing Brief contains 856 words or less, excluding caption and certificates of service and compliance, table of contents and authorities, and exhibit index.

Dated this 20th day of February, 2019.

/s/ Shandor S. Badaruddin

Shandor S. Badaruddin

Shandor S. Badaruddin
MORIARITY & BADARUDDIN, PLLC
736 South Third Street West
Missoula, Montana 59801
Telephone: 406-728-6868
Facsimile: 406-728-7722
Email: shandor@emsblaw.com

Attorneys for Defendant Wann

CERTIFICATE OF SERVICE

All parties in in this action are represented by counsel who are also registered users. Pursuant to L.C.R. 1 and L.R. 1.4(c)(2), registered users were served by electronic filing pursuant to Fed.R.Crim.P. 49. Pursuant to L.R. 1.4(c)(2), the NEF is the certificate of service for these individuals.

Dated this 20th day of February, 2019.

/s/ Shandor S. Badaruddin

Shandor S. Badaruddin

Shandor S. Badaruddin
MORIARITY & BADARUDDIN, PLLC
736 South Third Street West
Missoula, Montana 59801
Telephone: 406-728-6868
Facsimile: 406-728-7722
Email: shandor@emsblaw.com

Attorneys for Defendant Wann